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OFFICE OF PETITIONS

In re Application of	:
Nelms, et al.	: DECISION ON PETITION
Application No. 10/085,454	: UNDER 37 CFR §1.78(a)(3)
Filed: February 27, 2002	:
Attorney Docket No. DSC-7A	:
For: NON-RECTANGULAR SHAPED CREDIT	:
CARD WITH CASE	:

This is a decision on the reconsideration petition under 37 CFR §1.78(a)(3), filed March 21, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §1.78(a)(2)(ii). In addition, the petition under 37 CFR §1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and 37 CFR §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in §1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1)

37 CFR §1.78(a)(2)(i) requires that any a nonprovisional application claiming the benefit of a prior-filed copending nonprovisional application be amended to contain a reference to the prior-

By fax: (703) 872-9306
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Any questions concerning this matter may be directed to Petitions Attorney E. Shirene Willis at (571) 272-3230.

A handwritten signature in black ink, appearing to read "Frances Hicks", written in a cursive style.

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy